

IN BOARD OF SUDBURY SELECTMEN
TUESDAY, FEBRUARY 15, 2011

Present: Chairman John C. Drobinski, Vice-Chairman Lawrence W. O'Brien, Selectman Robert C. Haarde and Town Manager Maureen G. Valente

The statutory requirements as to notice having been complied with, the meeting was convened at 7:35 p.m. in the Lower Town Hall, 322 Concord Road.

Opening Remarks

At 7:35 p.m., Chairman Drobinski opened the meeting. He noted the severe winter weather and asked residents to help keep fire hydrants clear. The Department of Public Works (DPW) is working to push back snow and clear sidewalks.

Chairman Drobinski announced Sudbury resident 1Lt. Billy Houpt is returning home from a tour of duty in Afghanistan, and a welcome banner has been hung in the Town Center. He stated he has been working to help develop local support mechanisms for military families and personnel. Chairman Drobinski asked residents to help welcome Billy home by posting welcoming signs, flying the Flag outside their homes, and or sending him a note of gratitude for his service at 20 Oak Hill Road in Sudbury.

Chairman Drobinski stated the Board has received numerous emails regarding whether there should be an override ballot question. He stated the Board has not voted on this matter, but he would like to discuss it later this evening. The Finance Committee will meet on Thursday this week.

Chairman Drobinski displayed the Town budget notebook for a level-service budget. He encouraged the public to access the information which is available on the Town website. Town Manager Valente thanked the School Finance Directors, Finance Director Andrea Terkelsen and the Town Department Heads for their work coordinating the materials.

Reports from Town Manager
Messages of Thanks

Town Manager Valente thanked Building Inspector Jim Kelly and Fire Department Chief Bill Miles, Captain Steve Glidden, Lieutenant Kevin Cutler, Gary Bardsley, Josh McLeod, John Salmi, Dana Foster, Rob Beer, and Mike Desjardins for clearing the snow from the canopy of the DPW Building.

Town Manager Valente also thanked Mr. Kelly and Firefighter Mike Hamill for hanging the banner in the Town Center to welcome 1Lt. Billy Houpt home. She noted this is the first effort in a program initiated to recognize local residents serving in the military and their families. Additional information is available on the Town website.

Town Manager Valente briefly described the background for the recent approval of Sudbury's Service Plan for Emergency Medical Services received by the Fire Department. She thanked all who worked to achieve this accomplishment, noting it is one of many mandates with which the Town must comply.

Town Manager Valente updated the community on the status of the Special Act Senior Tax Relief Home Rule Petition. It was signed by the Board and presented to State Representative Conroy. The new act will be posted on the Town website.

Reports from the Board of Selectmen

Selectman Haarde offered a welcome home greeting to 1Lt. Billy Houpt. He also acknowledged the many emails received this week regarding the advantages and disadvantages of an override ballot question this year. Selectman Haarde supports placing an override question on the ballot and letting voters decide the issue at the polls.

Selectman Haarde applauded Town Manager Valente's acceptance of a salary freeze this year, stating it sets a good example. He opined, perhaps this action suggests that the Town Manager salary contract was too lucrative and has room for reduction. Selectman Haarde suggested that the Town Manager salary contract be renegotiated publicly. Chairman Drobinski stated Ms. Valente voluntarily offered this concession. He further stated he is not inclined to support renegotiation discussions, since the contract was negotiated in good faith.

Selectman Haarde suggested the Town take initiatives regarding the Johnson Farm proposed development to achieve a more favorable outcome for all parties involved. He further suggested that efforts be combined with other stakeholders, such as the Sudbury Valley Trustees and the Conservation Commission, and he urged soliciting their support. Chairman Drobinski noted that land negotiation discussions might require an opinion from Town Counsel and might be better suited for Executive Session. Selectman Haarde briefly described how the project as proposed has potential to negatively impact the community, and he reiterated his interest in working to find a better solution.

Vice-Chairman O'Brien commended Chairman Drobinski on his appearance on Fox News last week, regarding the Senior Tax Relief Home Rule Special Act. Chairman Drobinski was contacted as a result of a *Boston Globe* article, and he stated this is a great initiative for senior citizens in Sudbury.

Vice-Chairman O'Brien attended the Eagle Scout ceremony on February 6, 2011. He also has attended the recent Finance Committee budget hearings and has received communications regarding an override ballot question.

Chairman Drobinski stated the timing of a vote on an override ballot question will be key, since at this time, an amount has not been determined.

FEMA – Approved PDM – Hazard Mitigation Report

Present: Director of Planning and Community Development Jody Kablack and DPW Director Bill Place

The Board was previously in receipt of copies of a letter from the Massachusetts Emergency Management Agency dated October 22, 2010, announcing Conditional Approval from the Federal Emergency Management Agency (FEMA) of Sudbury's local natural hazard mitigation plan and a draft Certificate of Adoption. The local governing body must adopt the plan to receive official final approval.

Ms. Kablack explained this will enable the Town to be eligible to apply for FEMA hazard mitigation grants. She displayed the report which will be posted on the Town website. Ms. Kablack explained that much of the information is specific to Sudbury, noting the Town's biggest threats are from severe storms and flooding. She also stated strategies for mitigation are included in the report.

Selectman Haarde asked if the FEMA status would preclude the Town from other grant opportunities. Ms. Kablack stated it would rather open up more grant opportunities for the Town. She also stated there is no financial impact to the Town.

Selectman Haarde asked if this would have any impact on zoning or Town bylaws. Ms. Kablack stated it would not, and that only recommendations are offered to help the Town be more competitive in the grant process.

It was on motion unanimously

VOTED: To adopt the Town of Sudbury Hazard Mitigation Report, dated May 13, 2010, by signing a resolution, which makes Sudbury eligible for certain Federal Emergency Management Agency grants related to hazard mitigation.

Public Hearing: Site Plan and Stormwater Management Permit – Haskell Field Parking Lot Expansion

Present: Park and Recreation Director Nancy McShea, DPW Director Bill Place, Park and Recreation Commissioners Georgette Heerwagen and Dick Williamson and Sudbury Resident Peter Harvell

At 8:01 p.m., Chairman Drobinski opened the Public Hearings for Site Plan and a Stormwater Management Permit regarding the Haskell Field Parking Lot Expansion. Ms. Kablack reviewed a listing of the copies of materials previously provided to the Board, including the Application for Stormwater Management Permit dated January 14, 2011; the Application For Site Plan Approval dated January 14, 2011 and Option A exhibit of Parking Lot Stall Count prepared by the Town Engineering Department, including drainage calculations dated January 13, 2011 and revised February 2, 2011; an email from Building Inspector James Kelly dated February 8, 2011; an email from Sudbury Senior Center Director Debra Galloway dated February 8, 2011; an email from assistant Fire Chief John Whalen dated January 27, 2011; a memorandum from Ms. Kablack dated February 9, 2011, noting comments and recommendations; a listing of Department of Public Works Projects and calculations for the parking lot rate and volume of runoff; and a memorandum from Sudbury's Planning Board dated February 11, 2011, expressing support for the project with suggestions to mitigate the increased pavement and to enhance public safety of the area with walkways and island areas. In addition, copies of comments from Conservation Coordinator Debbie Dineen dated February 10, 2011 were distributed tonight.

Park and Recreation Director Nancy McShea briefly described the plan to increase the total number of parking spaces from the existing 172 parking spaces to 299 spaces. She stated the fields are used seven days a week from April 1 to approximately mid-November. Ms. McShea highlighted the congestion experienced as users arrive for events while others are leaving scheduled activities and others are using the fields. Parking issues have been communicated to the Commission and observed as vehicles are parked on fields and grass areas, when spots are not available. Ms. McShea emphasized countless efforts have been made to discourage these transgressions, but to no avail. A review of scheduling of events has also determined that mandating an hour of turnover time between events is not possible to implement. She also noted there are no crosswalks or pedestrian walkways within the parking area.

Ms. McShea provided a brief history of the approval of \$205,000 at the Annual 2001 Town Meeting for expanding the recreation complex, noting it included the plan for the parking proposal being pursued now. She also described how the usage of the facility has been improved. However, Ms. McShea stated the current use of the facility exceeds its parking capacity. She further explained that more parking on the pool side cannot be accommodated to alleviate the field parking issues.

Ms. McShea stated the Commission discussed concerns for the safety of children and adults in the area and the increased use of the facility in June 2010. At that time, the Commission approved a plan presented by the DPW to utilize the \$16,000 remaining from the ATM 2001 appropriated funds to create more parking spaces, with labor supplied by DPW staff and using surplus gravel from other Town projects.

Ms. McShea referenced suggestions made by the Planning Board, Fire Department, Building Inspector and Commission on Disability. She stated the plan could be revised to incorporate a central walkway, additional handicap parking spaces could be located closer to the pool area, signage would be installed, and no lighting is anticipated.

DPW Director Bill Place briefly explained drainage, run off and traffic circulation issues, using an exhibit to illustrate site locations. Chairman Drobinski noted the initial plan is to have a gravel surface. Mr. Place confirmed this, stating an additional \$54,000 would be needed for paving.

Vice-Chairman O'Brien asked if the existing entrance would be one or two-way. Mr. Place stated the plan proposes it as an entrance only. Vice-Chairman O'Brien presented other options to consider reducing the traffic congestion. Mr. Place stated he could review these options further. Vice-Chairman O'Brien also asked if the proposed walkway would correspond with the crosswalks. Mr. Place stated they would, and that landscape islands could be incorporated to break up the visual impact of the pavement. Mr. Place also addressed some of the concerns posed by Ms. Dineen.

Chairman Drobinski stated he believes the area could benefit from additional parking.

Selectman Haarde stated he uses the fields on weekends, and he has always been able to find a parking spot. He has noticed parking on the grass, but believes people should be encouraged to use the other three lots in the vicinity. Ms. McShea stated requests have been made for vehicles to move, but the congestion persists. She believes the problems could be alleviated by providing adequate parking proportionate to the use of the field. Selectman Haarde asked if a parking study has been completed. Ms. McShea stated she is unaware of one. Selectman Haarde believes the real safety concern is related to the turnover issue, and that sometimes safety is used as a convenient reason to spend money. He is unsure that more parking spaces are needed rather than more fields in other Town locations.

Selectman Haarde asked for a status on the Melone field project. Park and Recreation Commissioner Georgette Heerwagen stated the proposal was withdrawn this year, since the Town had not determined a use for the parcel. Selectman Haarde expressed his disappointment with this result, stating he believes the project should have gone before Town meeting for the voters to decide the use of the property.

Vice-Chairman O'Brien asked if the Commission completed its analysis on the type of fields needed. Ms. McShea stated the proposal which was withdrawn would have been for a recreation feasibility study, but it was determined that a more global perspective for the parcel should be further researched. Chairman Drobinski directed the discussion to the agenda item for tonight regarding Haskell Field.

Selectman Haarde reiterated his belief that this proposal is trying to solve a problem of not having enough Town fields by creating parking spaces. He is uncertain the proposed design solves the turnover congestion issue. Selectman Haarde believes the area needs more walkways. He questioned whether the proposed entrance and egress plan might cause even more safety concerns as people traverse more of the lot area. Selectman Haarde also stated he agrees with Ms. Dineen's runoff concern. Vice-Chairman O'Brien noted, if gravel is used, there would be no run-off issues.

Selectman Haarde asked for clarification regarding how the project would be funded. Ms. McShea explained the remaining \$16,000 of funds would be used. Mr. Place stated those funds would cover the catch basins, signage and the apron area. Ms. McShea further explained that the additional \$54,000 needed for paving would come from the Recreation Enterprise Fund of user fees, when available and not from taxpayer funds. Chairman Drobinski provided a brief explanation of Enterprise Funds, noting this one was created for

user fees to be used for upgrading and maintenance of fields. Selectman Haarde asked if there is a time limit for spending appropriated funds. Town Manager Valente stated there is not, unless a sunset clause is included in the original article language.

Chairman Drobinski asked if the final design will have catch basins. Mr. Place stated it would.

Selectman Haarde asked how construction began on the project prior to the Site Plan Public Hearing. Mr. Place stated he has discussed this with Town Counsel, and there has been the opinion that Town government is exempt from Site Plan review. He noted this is the first time in his tenure he has had to file a Site Plan for a Park and Recreation project.

Sudbury Resident Peter Harvell, 301 Hudson Road, expressed his concern that the Site Plan review is occurring after the fields have been vandalized. Chairman Drobinski later noted to Mr. Harvell that no fields have been vandalized. Mr. Harvell does not believe the Town should be exempt from its own bylaws. He believes this sends a message of abuse to abutters. Mr. Harvell also believes the project has cost the Town money not mentioned this evening for DPW staff, acquisition and relocation of gravel and the interest paid for the past ten years on the money borrowed in 2001. He does not believe a master plan was developed or presented in 2001. Mr. Harvell questioned how the gravel was relocated to the site. He believes there is already a 10% surplus of parking at Haskell Field based on the Site Plan information he reviewed. He also opined that the surge for additional parking is only experienced on Saturdays. Mr. Harvell believes the congestion can better be solved by scheduling events not so closely together and requesting a police officer enforce proper parking practices. Mr. Harvell urged the Board to use the \$16,000 to restore the playing field and the Commission to consider using more "green" options and utilizing a police officer for enforcement. He again questioned whether all the work completed for the project could only cost \$16,000, and he advocated for the Board not to approve the Site Plan.

Chairman Drobinski stated he has no reason not to believe the application proponents. He further stated it is not in the Board's jurisdiction to approve or deny the project. Mr. Harvell asked if the Board could advocate that the project not proceed. Chairman Drobinski stated the Board does not have that authority under the Site Plan review.

Ms. McShea clarified that the number estimated for users on the field does not reflect the need for at least three times that capacity. Mr. Harvell reiterated his belief that the problems could best be solved with a scheduling plan.

Park and Recreation Commissioner Bob Beagan, 25 Pine Street, strongly disagreed with Selectman Haarde, stating he has been unable to find a parking spot on many weekend occasions. He stated conditions are dangerous for families crossing the street. Mr. Beagan stated the playground's popularity has added to the problems in the area. He also stated the Commission did not intend to "back-door" this project. As a resident, user of the facility and Park and Recreation Commissioner, Mr. Beagan supported the project proposal.

Park and Recreation Commissioner Dick Williamson, 21 Pendleton Road, stated he has used the facility for years. He further stated he finds it dangerous leading his grandchildren across the street to the playground. Mr. Williamson expressed his support of the project, stating the additional parking is essential.

Selectman Haarde acknowledged the public comments and that crossing the street does present a danger. He opined that scheduling of events is a challenge and that, if game times could be spread out, it would have been done already. He reiterated that the Town does not have enough fields, and he is not sure this plan solves the problems.

Chairman Drobinski suggested Ms. Kablack prepare a decision based on tonight's comments and that DPW and Park and Recreation work to revise the walkway and entrance issues.

Ms. Kablack suggested the Public Hearing remain open as revisions are made. She also will review the traffic circulation issues with the Police Department.

It was on motion unanimously

VOTED: To continue the Site Plan and Stormwater Management Permit Public Hearings regarding the Haskell Field Parking Lot Expansion to March 15, 2011 at 8:30 p.m.

TD Bank – Relocation Discussion & Comments for Zoning Board of Appeals

Present: Director of Planning and Community Development Jody Kablack

At 9:03p.m., Chairman Drobinski opened a discussion regarding the relocation of TD Bank. The Board was previously in receipt of copies of the Zoning Board of Appeals (ZBA) Application for Use Variance and Memorandum in Support of that Application and accompanying exhibits, a memorandum from Director of Planning and Community Development Jody Kablack to the Selectmen, Planning Board and Zoning Board of Appeals (ZBA) dated January 27, 2011, regarding the TD Bank proposal to relocate to 407 Boston Post Road and copies of the minutes from a pre-application Town staff meeting. In addition, copies of a memorandum from Sudbury's Planning Board dated February 15, 2011 were distributed tonight for review.

Ms. Kablack stated the ZBA reviewed a Use Variance application by TD Bank to construct a new bank building on the corner of Route 20 and Raymond Road in a residential zone on February 7, 2011 and has continued its hearing to March 14, 2011. She has presented the information to the Selectmen and the Planning Board in order to provide a broader context of comments for deliberation by the ZBA. The ZBA decision deadline is March 20, 2011. Ms. Kablack reported the Planning Board could not reach a consensus. Although the area is surrounded by businesses, the Planning Board recognized the proposal could alter the property's uses for the future, and it urged the ZBA to consider traffic issues.

Since 1979, Ms. Kablack noted the site has a history of commercial uses and use variances. The Bank proposes to demolish the current structure and build a new building with a stand-alone, drive-through window. Ms. Kablack and Building Inspector Jim Kelly have had several discussions with the applicant. They have suggested that a proposal using the existing structure would be preferred. Ms. Kablack further noted drive-throughs are allowed for banks.

Vice-Chairman O'Brien asked if the proposed entrance on Raymond Road is for "in" purposes only and why it has been proposed in this manner. Ms. Kablack stated it is, but that this issue has not been addressed in depth by the applicant to date, and no traffic study has been submitted. Selectman Haarde opined that Raymond Road is not that busy, and perhaps the entrance there should also be an egress. Ms. Kablack stated it is difficult to make a turn onto Route 20 from Raymond Road. Vice-Chairman O'Brien opined the intersection is very busy during the afternoon rush hour and when school buses are on the roads. Chairman Drobinski noted Raymond Road is also used as a major cut-through from Framingham.

Ms. Kablack stated the Site Plan will eventually come before the Board. However, she asked the Board to contemplate whether a Use Variance on this parcel should be continued for commercial use or whether the residential character of that corner should be preserved.

Chairman Drobinski opined that he does not see where the applicant can demonstrate hardship for the variance. He also stated that in the past, abutters have thought it important to maintain the aesthetics of the neighborhood.

Vice-Chairman O'Brien named several businesses in the general vicinity which have used the original structures, and he expressed his preference for the applicant to incorporate the existing building into its plan. Chairman Drobinski asked if the applicant has presented information regarding the intended architecture. Ms. Kablack stated she has not viewed such material, but her understanding is that the building will be fairly modern. Chairman Drobinski stated that he is in favor of the idea of generating commercial tax revenue, but he would prefer to maintain the architectural style of the existing structure. Selectman Haarde stated he too believes the architectural character of the building is important and needs to be consistent with Sudbury's colonial aesthetics.

It was on motion unanimously

VOTED: To authorize Ms. Kablack to draft a letter, on behalf of the Board, to be sent to the Zoning Board of Appeals and Board, recommending that approval of a Use Variance be granted for a plan which incorporates the existing structure.

Capital Improvement Planning Committee (CIPC) – Proposals

Present: Assistant Town Manager Maryanne Bilodeau, CIPC Secretary Douglas Kohen and CIPC Chairman Ted Fedynshyn

At 9:21 p.m., Chairman Drobinski welcomed members of the Capital Improvement Planning Committee (CIPC) to the meeting to present its FY12 CIPC Report.

CIPC Secretary Douglas Kohen introduced members of the CIPC in attendance this evening, and reviewed how the Committee determined this year's budget. The Board was previously in receipt of copies of the PowerPoint slides for Mr. Kohen's presentation dated February 1, 2011 and received another copy tonight dated February 15, 2011. Each year, the CIPC reviews requests submitted from Town Department Heads for capital equipment, projects, and/or improvements that: a) have a useful life of at least five years; and b) have a single-year cost over \$10,000 or a multi-year cost of more than \$100,000.

Mr. Kohen reported that the CIPC calculated the FY12 capital budget target for a 1.6% non-override amount increase over the FY11 budget of \$529,054. Original requests entertained by Department Heads totaled \$1,199,474. The Committee eventually recommended funding a target budget of \$537,678 for projects it deemed as priorities, as follows:

Ongoing Leases - \$261,453.98 (for several Department of Public Works vehicles and equipment)
Department of Public Works - \$55,490 (for three new vehicle leases of five years for FY12)
Building/Facilities - \$170,734 (Pick-up Truck, the Nixon Addressable Fire Alarm Panel and Devices and various building improvements)
Fire - \$50,000 (replace Fire Department Car 3 and Division of Occupational Safety Items for Outstations)

Mr. Kohen highlighted that all lease payments since FY10 have been reflected in the capital budget. He also noted that in FY12, \$37,400 in lease payments came off the books and in FY13, \$70,600 will be retired. When compared to surrounding communities, Mr. Kohen stated Sudbury logs the second most road miles, which is why a large fleet in good working condition is needed. The severe winter storms have impacted Town equipment, and currently two of Sudbury's three Bombardier sidewalk tractors are inoperable. DPW

Director Bill Place has requested the CIPC vote again to allow flexibility for funds to be used for equipment deemed most necessary.

Mr. Kohen noted the CIPC chose not to recommend funding for renovations of women's showers, which will be funded from other sources. In addition, Mr. Kohen explained that the amount recommended for various building improvements was increased to \$58,338 from the requested \$35,000 to give the Building Inspector the flexibility to repair and maintain buildings as appropriate. In addition, the CIPC earmarked up to \$12,000 of various building improvements for regrading the driveway of the Library, unless it is determined the work could be accomplished within the DPW operating budget. The Police Department request to replace the dispatch console was not approved. Additionally, Town requests for a new copier, a Town Hall design study and a system to archive email were also not approved this year.

Mr. Kohen reported the CIPC voted to not support a \$300,000 request from the Fire Department to retrofit stations for female employees and has requested a more comprehensive plan be presented in the future. He also reported the CIPC voted unanimously to support the Noyes Repair project for its roof, boiler and window replacements, which was also passed by Sudbury voters during the recent Special Election.

Mr. Kohen stated additional projects, including the Route 20 Sewer Project design and permitting phase, Town Center Traffic Improvements, New Walkway Construction, Town Vault for Archiving Records and Historic Records Conservation will be discussed at the CIPC February 16, 2011 meeting.

Selectman Haarde opined that, "timing is everything," noting that this winter has highlighted the need for sidewalks to be cleared and the value of the Bombadier tractors. For the sake of public safety, he stated it is a priority to repair the two broken machines or purchase new ones. However, CIPC Chairman Ted Fedynyshyn noted funds discussed this evening would not be available to be spent until July 1, 2011.

Selectman Haarde asked the CIPC's opinion of leasing vehicles and equipment. Mr. Kohen stated most are five-year leases, after which the Town owns the item and uses it for another 10-15 years. He explained the advantages of spreading the lease cost over several years rather than having to purchase fewer items outright in one year. Mr. Fedynyshyn noted that the Town's fleet has been upgraded, with a median age of 2007, and it is now in good condition having retired many of the oldest vehicles and equipment. Thus, the Town should soon start to see a reduction in the amount of money spent on leases. Selectman Haarde asked the CIPC to consider financing rather than leasing and to share its analysis and recommendations with the Board at a later date. Mr. Kohen asked Selectman Haarde what he thinks can be gained from buying rather than leasing certain items. Mr. Fedynyshyn noted that the leases have no buy-out costs at their termination. Mr. Kohen also noted that the DPW garage now allows the vehicles/equipment to not be exposed to the elements, and thus their lifespan is likely to be extended.

Vice-Chairman O'Brien thanked the Committee for its thorough report. He asked what the CIPC would consider an appropriate budget to be to approve what it deems most necessary for the Town. Mr. Fedynyshyn stated the Committee began a review of the capital budgets of other towns and found interesting differences. The CIPC concluded that Sudbury had the lowest capital item budget when compared to similar and surrounding communities. The Committee plans to continue its research this year to present the Board with a recommendation next year. If it determines a target figure, Vice-Chairman O'Brien encouraged the CIPC to share that information with the Town Manager to be incorporated in FY13 budget planning. Mr. Kohen stated that a common theme found in most towns is the preference to fix problems early rather than later when they become more expensive.

At 9:45 p.m., Chairman Drobinski thanked the CIPC for its work, and he concluded the discussion.

CVS 2008 “All Kids Can” - Grant

It was on motion unanimously

VOTED: To accept, on behalf of the Town, an \$8,000 grant from the CVS 2008 “All Kids Can” grant program toward the sole purpose of purchasing and installing playground equipment and safety surfacing for the Boundless Playground, said funds to be expended under the direction of the Park and Recreation Director.

Noyes Green Repair Project – Request for Inter-Fund Borrowing from Stabilization Fund

Selectman Haarde asked how much would be borrowed and when it would be paid back. Town Manager Valente stated \$350,000 is anticipated and the law provides for the borrowing. She further stated the Stabilization Fund has sufficient funds available and that the funds would be paid back when the short-term borrowing occurs.

It was on motion unanimously

VOTED: To approve the request of the Town Treasurer to permit temporary inter-fund borrowing from the Stabilization Fund for an advance of funds in lieu of borrowing for the Noyes Green Repair Project; said funds are to be paid back to Stabilization by June 30, 2011, in accordance with M.G.L. Ch.44, sec.20A with instructions and accounting procedures further described in IGR #92-105.

Permanent Building Committee – Associate Member Appointment

It was on motion unanimously

VOTED: To appoint Robert L. Morrison, 16 October Road, Sudbury, as an Associate Member of the Permanent Building Committee (PBC), for a term to expire April 30, 2013, as requested in a letter dated February 4, 2011 from PBC Co-Chair Elaine L. Jones.

Board of Appeals – Associate Member Appointment

It was on motion unanimously

VOTED: To appoint Benjamin D. Stevenson, 601 Peakham Road, Sudbury, from associate member to full member of the Board of Appeals, for a term to expire April 30, 2012, as requested in a letter dated February 8, 2011, from Board of Appeals Chair Beth Quirk, to fill a vacancy occasioned by the resignation of Stephen Garanin.

Regional Housing Services Office – Inter-Municipal Agreement Approval

It was on motion unanimously

VOTED: To sign the final Inter-Municipal Agreement with the Towns of Bedford, Concord, Lexington, Lincoln, and Weston for Shared Housing Services Office as discussed at the Board’s meeting on January 27, 2011.

FY11 Second Quarter Unaudited Financial Statements

Chairman Drobinski asked that this agenda item be pulled, since backup documentation was not available for review.

Minutes

It was on motion unanimously

VOTED: To approve the regular and executive session minutes of January 27, 2011.

Proclamation – 1Lt. William R. Houpt

Town Manager Valente and Assistant Town Manager Maryanne Bilodeau explained Town staff and Chairman Drobinski are working with local military families to provide supports to them and their serving soldiers. As part of this program, a proclamation has been prepared, which Town Manager Valente read aloud, for 1Lt. William R. (Billy) Houpt, who is returning home to Sudbury on Wednesday, February 16, 2011 for a short leave from his tour of duty in Afghanistan.

It was on motion unanimously

VOTED: To proclaim February 16, 2011 as resident 1Lt. William R. (Billy) Houpt Day in Sudbury, in recognition of his safe return from a tour of duty in Afghanistan.

Potential Articles for 2011 Annual Town Meeting – Inclusionary Zoning and Expansion of the Wireless Overlay District

Present: Director of Planning and Community Development Jody Kablack

The Board was previously in receipt of copies of a draft 2011 Town meeting article regarding expansion of the wireless overlay district, copies of the current Sudbury Zoning Bylaw with the proposed language interspersed and notes from Ms. Kablack dated February 10, 2011, regarding Inclusionary Zoning Bylaw Parameters for review.

Since the Board's last meeting, Ms. Kablack stated she reviewed many materials and summaries of studies done regarding Inclusionary Zoning. She prepared a list of items for consideration, which reflect the complexity of the issues. She stated her preference for the Town to not rush into developing a bylaw. Ms. Kablack does not foresee the need to implement this so quickly, and she would rather develop a thorough bylaw with significant public input, including deliberation by the Planning Board, during the next six to twelve months.

Chairman Drobinski suggested presenting the article at Town Meeting to introduce the issue to the public and to garner opinions from residents, and then to present a more comprehensive article at the 2012 Town Meeting. He further suggested that the Town utilize its exceptional resources in Ms. Kablack and Community Housing Specialist Beth Rust to develop the bylaw in the next year. Ms. Kablack suggested it could be explained this year that this is a strategy to help the Town reach its affordable housing goals.

Selectman Haarde stated the issue is clear for him, that if the Town is serious about reaching its 10% affordable housing inventory goal and maintaining it, and not falling prey to Chapter 40B developments, then the Town must have an inclusionary zoning bylaw on record. He later stated he appreciates Chairman Drobinski's suggestion, but believes whatever is presented to Town meeting should be firm and include as

many details as possible. Selectman Haarde stated he would not be in favor of including a density bonus or cash buy-out options. However, he is in favor of requiring this for all subdivisions, allowing duplexes, and the scale going down to one unit. Selectman Haarde believes this moves the Town in the right direction, and scattered affordable housing development is the best approach. He reiterated that he believes this issue is ready to be brought to Town Meeting this year because it should have been done long ago, but the Board will have to decide if it waits another year. Selectman Haarde acknowledged the importance of the Planning Board deliberating the issue at a Public Hearing. Ms. Kablack stated the Planning Board next meets on March 10, 2011.

Chairman Drobinski asked if this would receive negative feedback. Ms. Kablack stated each time zoning is changed to be more restrictive she does receive feedback from large property owners, who want to protect their asset. She further stated it would effect property values. Selectman Haarde stated it is not his job to be watchful of how much profit a developer makes.

In response to a question from Vice-Chairman O'Brien, Ms. Kablack summarized the number of approved subdivisions in recent years, noting the largest number, 50, was approved in 1999.

Ms. Valente reviewed timelines for publishing the Warrant, stating language would need to be finalized for approval at the Board's March 15, 2011 meeting, but, if needed, minor revisions could occur up until March 29, 2011.

Ms. Kablack suggested she begin to draft a bylaw for review by the Planning Board on March 10, 2011. Selectman Haarde acknowledged Ms. Kablack's position that the timeframe is tight to do the bylaw justice.

Vice-Chairman O'Brien stated, from his experience, the more zoning articles are vetted publicly, the better their chances are for approval. Selectman Haarde stated he expects there will be opposition, but he is committed to the belief this is the smart way for the Town to address this issue, and he will work with Ms. Kablack to put the article forward.

Vice-Chairman O'Brien stated his preferences for some of the parameters as requiring it for all subdivisions, using Selectman Haarde's scale down to one unit, for units constructed in the development, and not including a density bonus or cash buy-out. However, he also stated he would be willing to be flexible and consider a cash payment alternative, or possibly adding a unit to the Home Preservation program.

Ms. Kablack asked if the Board would want to exempt senior-housing developments. Vice-Chairman O'Brien stated not at this time, but perhaps it could be revised in the future. Selectman Haarde stated his preference to have this bylaw apply to any and all subdivisions, including senior housing.

A brief discussion ensued regarding defining a unit and how affordable units could be made indistinguishable from the exterior. Selectman Haarde stated he believes the units can be made indistinguishable for inclusionary zoning purposes. Ms. Kablack and Chairman Drobinski explained the difficulty in doing so for single-family residences and not condominium-style developments. Vice-Chairman O'Brien stated it would likely necessitate allowing the interior of the unit to be subdivided. Ms. Kablack further explained that the feasibility becomes a function of the land value. She will prepare a few scenarios for the Board's review.

At 10:31 p.m., the Board briefly reviewed the draft 2011 Annual Town Meeting Article regarding amending the Bylaw to expand the Wireless Services Overlay District. Ms. Kablack highlighted revisions she and Vice-Chairman O'Brien have recommended, including adding language to allow freestanding monopoles no higher than 80 feet on all Town property and buildings, exclusive of school buildings, and

deleting section 4363, regarding setbacks in its entirety. Ms. Kablack explained that most properties identified last year could not achieve the setback limits and variances have been historically granted.

Vice-Chairman O'Brien believes the amendment makes more Town-owned properties available to reap the economic opportunities to generate revenue for the Town.

Ms. Kablack highlighted a list of possible parcels previously provided to the Board. She noted that the Board would always be in the position of deciding which parcels would go out to bid.

It was on motion

VOTED: To approve the draft 2011 Annual Town Meeting Article regarding amending the Bylaw to expand the Wireless Services Overlay District as reviewed this evening, and to refer the article to the Planning Board to conduct a Public Hearing.

Selectman Haarde abstained from the vote.

Annual Town Meeting Actions

The Board was previously in receipt of a draft list of the "2011 Annual Town Meeting Warrant Articles," dated February 11, 2011. The Board reviewed the list to accept them, determine the final order of the articles, designate articles for the Consent Calendar and take positions as deemed appropriate. In addition, the board was in receipt of copies of a memorandum from Sudbury's Planning Board dated February 11, 2011, expressing its unanimous and strong support for the advancement of the \$1 million Route 20 sewer design article at the 2011 Town Meeting and a memorandum from Mary McCormack dated January 28, 2011, detailing the schedule of required actions for laying out streets to be accepted by the 2011 Town Meeting.

It was on motion unanimously

VOTED: To accept the articles submitted for the Annual 2011 Town Meeting Warrant, received as of January 31, 2011.

It was also on motion unanimously

VOTED: To determine the order of the articles, as noted on the listing below, subject to the number order being corrected to adjust for the initial omission of #12.

It was also on motion unanimously

VOTED: To approve articles to be included on the Consent Calendar as noted on the listing below by "CC," as Articles # 10, 11, 12, 13, 14, 15, 25, and 34. (NOTE: Revised after re-numbering)

It was on motion unanimously

VOTED: To refer zoning-related Articles #21, and #22, and #23, as noted on the listing below, to the Planning Board for Public Hearings. (NOTE: Revised after re-numbering.)

#1 - Hear Reports - Position - Support

#2 - FY11 Budget Adjustments - Position

- #3 - Stabilization Fund – Position -
- #4 - FY12 Budget – Position -
- #5 - FY12 Capital Budget – Position -
- #6 - FY12 Transfer Station Enterprise Fund Budget – Position -
- #7 - FY12 Pool Enterprise Fund Budget – Position -
- #8 - FY12 Recreation Field Maintenance Enterprise Fund Budget - Position -
- #9 - Unpaid Bills – Position –
- #10 - Chapter 90 Highway Funding – Position – CC
- #11 - Real Estate Exemption - Position - CC
- #12 - Town/School Revolving Funds – Position – CC
- #13 – Conservation Revolving Fund – Trail Maintenance – Position - CC
- #14 – Cemetery Revolving Fund – Cemetery Maintenance – Position - CC
- #15 – Regional Housing Services Revolving Fund – Position - CC
- #16 – Special Act – Transportation Fees – Position -
- #17 – Amend Special Legislation – Senior Citizen Property Tax Exemption – Position
- #18 – Street Acceptances – Position –
- #19 - Amend Bylaw Article 5.3 – Regulation of Dogs – Position
- #20 – Route 20 Sewer System Design and Permitting – Position
- #21 – Amend Zoning Bylaw Article IX, Section 4300 – Wireless Services Overlay District – Position –
Refer to Planning Board
- #22 - Amend Zoning Bylaw Article IX – Inclusionary Zoning – Position – Refer to Planning Board
- #23 - Amend Zoning Bylaw Article IX Use Table – Retail Use in Industrial & Limited Industrial – Position –
Refer to Planning Board
- #24 - Amend Bylaw – Outdoor Hydronic Heater – Position
- #25 – Dissolve Permanent Landscape Committee – Position - CC
- #26 - Sale of Land – Hudson Road and Pinewood Avenue – Position
- #27 – Exchange of Land off Peter’s Way with Abutter – Position
- #28 - Community Preservation Fund –Carding Mill Pond Harvesting - Position
- #29 - Community Preservation Fund – Town Clerk Historic Document Preservation - Position
- #30 - Community Preservation Fund – Historic Projects - Position
- #31 - Community Preservation Fund – Town-Wide Walkways - Position
- #32- Community Preservation Fund - Sudbury Housing Trust 10% Allocation - Position
- #33- Community Preservation Fund - Fairbank Farm Agricultural Preservation and Historic Preservation
Restriction - Position
- #34 - Community Preservation Fund - Amend Art. 31 of the 2008 Town Meeting, Sudbury Housing
Authority Unit Reconstruction – Position - CC
- #35 - Community Preservation Fund - General Budget and Appropriations - Position –
- #36 - Reduce CPA Surcharge from 3% to 1.50% - Petition – Position – Report at Town Meeting
- #37 – Amend Special Act to Change from Town Manager to Town Administrator – Petition - Position –
Report at Town Meeting
- #38 – Purchase Land off Brimstone Lane - Petition – Position – Report at Town Meeting
- #39 – Resolution – State of the Town Public Forum – Petition – Position – Report at Town Meeting

It was also on motion unanimously

VOTED: To lay out two streets, Brookside Farm Lane and Trevor Way, on April 12.

The Board decided to delay taking positions on the articles listed above until its next meeting.

Chairman Drobinski stated the Board has received numerous communications from residents regarding an override ballot question this year. He noted that if this were to be recommended, the ballot question language, including sums, would need to be submitted by this Friday to the Town Clerk to be eligible for the March Town Election. Chairman Drobinski further stated the Board would need to hear feedback from the Finance Committee regarding its recommended options and figures. It was noted that a joint meeting with the Finance Committee has been scheduled for March 1, 2011 at 7:45 p.m.

Town Manager Valente said, in response to a request from Chairman Drobinski, staff had developed a summary of Special Town Election Scenarios to indicate potential deadlines and dates, and she distributed this.

Selectman Haarde asked for clarification regarding why this Friday is the deadline. Chairman Drobinski and Town Manager Valente explained that there is a 35-day minimum notice by State statute to be given to the Town Clerk, prior to the question appearing on a ballot. Thus, to qualify for the March 28, 2011 Town Election, the 35-day deadline is February 18, 2011, since February 21, 2011 is a holiday.

Selectman Haarde stated his preference to have the question presented to the public for the March Town Election. He also stated that budget hearings held prior to Town Meeting are more effective for soliciting public opinions, since the debate cannot be called prematurely as it sometimes is at Town Meeting.

Town Manager Valente reminded the Board to consider that another article, i.e., the Route 20 Sewer System article, could also be a debt-exclusion Special Election ballot question, depending on the final decision as to whether it is presented this year.

Selectman Haarde asked if moving the date of the Annual Town Election should be considered. Town Manager Valente and Vice-Chairman O'Brien explained that it cannot be done in isolation from the Town of Lincoln, since it is part of the Agreement between the two towns.

It was on motion unanimously

VOTED: To authorize the Chairman of the Board of Selectmen to contact the Sudbury Finance Committee Chairman to express the Board's request for receiving override budget scenarios for review at the March 1 Joint Meeting.

Vice-Chairman O'Brien asked where the issue stands regarding proceeding with a Route 20 Sewer System article. Town Manager Valente stated a March 1, 2011 meeting has been scheduled for the Board to meet with the Planning Board to further discuss the potential article.

At 11:03 p.m., Chairman Drobinski announced the close of the regular meeting and it was on roll call unanimously

VOTED: To go into Executive Session for the purpose of discussing land negotiations.

Chairman Drobinski announced regular session would not reconvene following Executive Session.

There being no further business, the meeting adjourned at 11:03 p.m.

Attest: _____
Maureen G. Valente
Town Manager-Clerk